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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,065	07/31/2003	Douglas Michael Boecker	AUS920030466US1	3523

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IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

FRANKLIN, RICHARD B

ART UNIT	PAPER NUMBER
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2181

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/631,065

Applicant(s)

BOECKER ET AL.

Examiner

Richard Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 7 and 15 – 20 are pending.

Reopening of Prosecution After Appeal Brief

2. In view of the Appeal Brief filed on 16 October 2006, PROSECUTION IS
HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 4, and 15 – 17 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 7,134,040 (hereinafter Ayres).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

As per claims 1 and 16, Ayres teaches a method for performing bus arbitration comprising receiving, by a device driver layer from at least one application (Figure 1 Items 4a – 4n) included in an application layer, a request (Figure 6 Item 150, Col 5 Lines 23 – 31) to perform a device access operation on an end device (Figure 1 Item 10a) on a bus (Figure 1 Item 14a), the device driver layer including at least one device driver (Figure 1 Item 8) that communicates with the end device utilizing the bus;

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determining, by the device driver layer, whether the end device is locked (Figure 6 Item 152, Col 5 Lines 23 – 31); and responsive to the end device not being locked, locking, by the device driver layer, the end device (Figure 6 Item 160, Col 5 Lines 40 – 45) and performing the device access operation (Col 5 Lines 62 – 66).

As per claim 2, Ayres also teaches wherein the device access operation is one of a read operation and a write operation (Col 6 Lines 11 – 15).

As per claim 3, Ayres also teaches wherein responsive to the end device being locked, denying the device access operation (Figure 6 Item 156, Col 5 Lines 35 – 40).

As per claims 4 and 17, Ayres also teaches wherein the step of determining whether the end device is locked includes determining whether an address of the end device is found in a list of occupied end devices (Figure 1 Item 22, Col 5 Lines 23 – 31).

As per claim 15, Ayres teaches an apparatus for performing bus arbitration comprising a bus (Figure 1 Item 14a); at least one end device connected to the bus (Figure 1 Item 10a); at least one application included in an application layer (Figure 1 Items 4a – 4n); and a driver layer that includes a wrapper layer, the driver layer including at least one device driver (Figure 1 Item 8) that communicates with the at least one end device utilizing the bus, wherein the wrapper layer receives a request from that at least one application (Figure 6 Item 150, Col 5 Lines 23 – 31) to perform a device

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access operation on the at least one end device from within the at least one end device on the bus, determines whether the at least one end device is locked (Figure 6 Item 152, Col 5 Lines 23 – 31), and, responsive to the at least one end device not being locked, locks the at least one end device (Figure 6 Item 160, Col 5 Lines 40 – 45) and performs the device access operation (Col 5 Lines 62 – 66).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5 – 7 and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 7,134,040 (hereinafter Ayres) in view of US Patent No. 6,401,110 (hereinafter Freitas).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR

1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

As per claims 5 and 18, Ayres teaches the system as per claims 1 and 16 (see rejection of claims 1 and 16 above). Ayres also teaches a device table (Ayres; Figure 1 Item 22) with entries of devices and their reservation statuses (Ayres; Figure 4). Ayres also teaches changing the status of the end device in the table of end devices (Ayres; Figure 1 Item 22) during the locking step (Ayres; Col 5 Lines 40 – 45).

Ayres does not teach wherein the step of locking the end device includes placing a device address of the end device in a list of occupied end devices.

However, Freitas teaches wherein end devices are not in the table (Freitas; Table 1) when they are not locked (Freitas; Col 10 Lines 45 – 47) and therefore when the end device becomes locked, it would get placed in the locked device table.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the teachings of Ayres to include placing the device address in the list during the step of locking because leaving the address out of the table when it is not locked allows for conservation of storage space (Freitas; Col 10 Lines 45 – 47).

As per claims 6 and 19, Freitas also teaches that responsive to the device access operation completing, unlocking the end device (Freitas; Col 10 Lines 5 – 9).

As per claims 7 and 20, Freitas also teaches wherein the step of unlocking the end device includes removing the device address from the list of occupied end devices (Freitas; Col 10 Lines 18 – 20).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

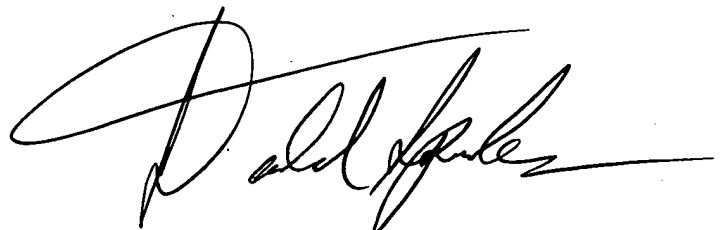
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Franklin whose telephone number is (571) 272-0669. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Sparks can be reached on (571) 272-4201. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Richard Franklin
Patent Examiner
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A handwritten signature in black ink, appearing to read "Donald Sparks", with a long horizontal flourish extending to the right.

DONALD SPARKS
SUPERVISORY PATENT EXAMINER